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BEFORE THE
POSTAL RATE COMMISSION
WASHINGTON DC 20268-0001

SPECIAL SERVICES FEES AND CLASSIFICATION]

REPLY BRIEF

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POSTAL RATE COMMISSION
OFFICE OF THE SECRETARY

1. David B. Popkin, a limited participant in the above referenced Docket, hereby submits his Reply Brief to the Commission.

2. After much difficulty in receiving a copy of The Postal Service's Initial Brief ["Brief"], I have read that Brief and have come to the conclusion that the Postal Service has made no unexpected statements that were not already presented and amply covered in my own Brief. There are several items, however, that I wish to comment on.

3. The first comment is the difficulty that was experienced in obtaining my copy of the Postal Service Brief. Even Express Mail is not the guaranteed cure for expedited service. The Postal Service agreed to send me their Rebuttal Testimony and Initial Brief by Express Mail. The Rebuttal Testimony was filed on a Friday, however, the Express Mail copy was not mailed until Saturday thus arriving on Sunday. Only because I was able to make special arrangements to pick up the mail on Sunday, was I able to get the copy before Monday. The Initial Brief was supposed to be sent on Tuesday. It was not shipped by the Postal Service until Wednesday and then it was apparently shipped to North Carolina in error so that it did not arrive until Friday. All of this with the Reply Brief due on Tuesday after a three-day weekend [Other than taking it to the Newark Airport AMF on Monday and sending it Express Mail, I would be put in the position of getting the Postal Service Brief on Friday and having my Reply Brief done in time to mail by Saturday at 12:30 PM. Since both of the shipments were not even sent on time, it almost appears that the Postal Service is making an effort to complicate and frustrate my participation. Trying to actively participate in this proceeding is becoming difficult to do because of the inability to receive local service and pickup.

4. The statement, "Together, Mr. Landwehr's and Ms. Needham's testimonies provide substantial record evidence that nonresident customers place unusual, costly demands on the operation of post office box service." Brief at 68. Examination of the record will indicate that Mr. Landwehr did no study of resident vs. nonresident costs or experiences and Ms. Needham did no cost studies and obviously cannot base any of her testimony on the anecdotal testimony of Mr. Landwehr.

5. The Postal Service refers to the August 1, 1996 Headquarters memorandum to District Managers asking that they take a "proactive" approach to return receipt service - Brief at 92. As noted in my Brief [paragraph 36 on pages 6 and 7], this August 1st letter appeared to still allow the Postal Service to continue to deliver accountable mail with the return receipt still attached to be completed by the addressee at a later, more convenient time. The Postal Service has still not evaluated the quality of return receipt service as suggested

by the Commission some six years ago. The Postal Service must be directed to indicate that there will be no arrangements for completion of return receipts at a later, more convenient time. They are avoiding making this positive statement because it appears that the Postal Service is only interested in receiving the return receipt fee without providing the service mandated by its own regulations.

6. The Postal Service claims that its proposed two-cent fee for stamped cards [currently postal cards] is manifestly fair and equitable - Brief at 122. How can a fee be fair and equitable when it is obviously in violation of the United States Criminal Code [18 USC 1721]. As noted in my Brief [paragraphs 24-31 on page 5], the sale of stamped or postal cards at other than the price of the stamp imprinted upon them is a violation of Section 1721 of Title 18 of the United States Code. It is noted that on page 6 of the Postal Service's Answer in Opposition to Motion of David B. Popkin to Dismiss dated August 16, 1996, the Postal Service refers to 6 Op. Solicitor of the Post Office Dep't. 652 [1918]. This opinion of the Post Office Department's own Solicitor is not legislative history of the law. It is nothing more than the Post Office Department's own interpretation of the law and has no weight outside the agency.

7. Since I am at the mercy of the United States Postal Service for the timely delivery of this pleading and since I have mailed it in time for delivery on or before its due date based on the Postal Service's own delivery standards, I move for acceptance in the event that it is received late.

8. The Postal Service has not provided any cost data to justify the rate increases, they have chosen the amount of the fee at the whim of the pricing witness, they have made rate increases under the guise of service improvements, yet based on their actions and testimony they are not even interested in providing the service, and their only justification seems to be that they are making these only as a means of increasing revenue and that the captive mailer will feel that they are getting value for the increased fee. If any other participant came before the Commission with a proposal that had as little backing as this case has, the Postal Service would not stand for it and take vigorous opposition to it. The same should apply to them. For the reasons stated above, I request that the Postal Rate Commission take the actions requested in my Brief for each of the services.

Respectfully submitted,

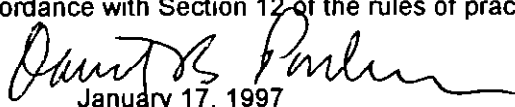


David B. Popkin, PO Box 528, Englewood, NJ 07631-0528

January 17, 1997

CERTIFICATE OF SERVICE

I hereby certify that I have this date served the foregoing document upon all participants of record in this proceeding in accordance with Section 12 of the rules of practice.



David B. Popkin

January 17, 1997